



General Assembly

January Session, 2003

Amendment

LCO No. 6130

SB0068806130SD0

Offered by:

SEN. LOONEY, 11th Dist.

SEN. SULLIVAN, 5th Dist.

SEN. WILLIAMS, 29th Dist.

SEN. MCDONALD, 27th Dist.

To: Subst. Senate Bill No. 688

File No. 635

Cal. No. 409

"AN ACT CONCERNING IDENTITY THEFT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 53a-129a of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2003*):

5 (a) A person [is guilty of] commits identity theft when such person
6 intentionally obtains personal identifying information of another
7 person without the authorization of such other person and uses that
8 information [for any unlawful purpose including, but not limited to,
9 obtaining, or attempting] to obtain or attempt to obtain, money, credit,
10 goods, services, property or medical information in the name of such
11 other person without the consent of such other person.

12 (b) As used in this section, "personal identifying information" means
13 [a] any name, number or other information that may be used, alone or

14 in conjunction with any other information, to identify a specific
15 individual including, but not limited to, such individual's name, date
16 of birth, mother's maiden name, motor vehicle operator's license
17 number, Social Security number, employee identification number,
18 [mother's maiden name,] employer or taxpayer identification number,
19 alien registration number, government passport number, health
20 insurance identification number, demand deposit account number,
21 savings account number, [or] credit card number, debit card number
22 or unique biometric data such as fingerprint, voice print, retina or iris
23 image, or other unique physical representation.

24 [(b) Identity theft is a class D felony.]

25 Sec. 2. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
26 identity theft in the first degree when such person commits identity
27 theft, as defined in section 53a-129a of the general statutes, as amended
28 by this act, and the value of the money, credit, goods, services or
29 property obtained exceeds ten thousand dollars.

30 (b) Identity theft in the first degree is a class B felony.

31 Sec. 3. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
32 identity theft in the second degree when such person commits identity
33 theft, as defined in section 53a-129a of the general statutes, as amended
34 by this act, and the value of the money, credit, goods, services or
35 property obtained exceeds five thousand dollars.

36 (b) Identity theft in the second degree is a class C felony.

37 Sec. 4. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
38 identity theft in the third degree when such person commits identity
39 theft, as defined in section 53a-129a of the general statutes, as amended
40 by this act.

41 (b) Identity theft in the third degree is a class D felony.

42 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
43 trafficking in personal identifying information when such person sells,

44 gives or otherwise transfers personal identifying information, as
45 defined in section 53a-129a of the general statutes, as amended by this
46 act, of another person to a third person knowing that such information
47 has been obtained without the authorization of such other person and
48 that such third person intends to use such information for an unlawful
49 purpose.

50 (b) Trafficking in personal identifying information is a class D
51 felony.

52 Sec. 6. (NEW) (*Effective October 1, 2003*) Whenever a person is
53 convicted of a violation of section 53a-129a of the general statutes,
54 revision of 1958, revised to January 1, 2003, or section 2, 3 or 4 of this
55 act, the court may issue such orders as are necessary to correct a public
56 record that contains false information as a result of such violation.

57 Sec. 7. (NEW) (*Effective October 1, 2003*) Any person who believes
58 that such person's personal identifying information has been obtained
59 and used by another person in violation of section 53a-129a of the
60 general statutes, revision of 1958, revised to January 1, 2003, or section
61 2, 3 or 4 of this act may file a complaint reporting such alleged
62 violation with the law enforcement agency for the town in which such
63 person resides. Such law enforcement agency shall accept such
64 complaint, prepare a police report on the matter, provide the
65 complainant with a copy of such report and investigate such alleged
66 violation and any other offenses allegedly committed as a result of
67 such violation and shall, if necessary, coordinate such investigation
68 with any other law enforcement agencies.

69 Sec. 8. Section 54-1d of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective October 1, 2003*):

71 (a) Except as provided in [subsection (b)] subsections (b) and (c) of
72 this section, defendants in criminal actions shall be brought either to
73 the court in the geographical area established pursuant to section 51-
74 348, in which the crime was alleged to have been committed, or, if the
75 arrest was by warrant, to the court in the geographical area in which

76 the arrest was made, for arraignment. If the defendant was brought to
77 the court in the geographical area in which the arrest was made for
78 arraignment and was not released from custody after such
79 arraignment, the defendant shall be presented to the court in the
80 geographical area in which the crime was alleged to have been
81 committed not later than the second court day following such
82 arraignment. A criminal cause shall not fail on the ground that it has
83 been submitted to a session of improper venue.

84 (b) Any defendant who is charged with multiple offenses under any
85 provision of section 53a-127b or sections 53a-128a to 53a-128i,
86 inclusive, where such offenses were alleged to have been committed in
87 more than one geographical area established pursuant to section 51-
88 348, may be presented to the court in any one of such geographical
89 areas. The court may consolidate all such offenses into a single
90 criminal action and shall have jurisdiction over such action.

91 (c) Any defendant who is charged with a violation of section 53a-
92 129a of the general statutes, revision of 1958, revised to January 1, 2003,
93 or section 2, 3 or 4 of this act and any defendant who is charged with
94 any other offense committed as a result of such violation may be
95 presented to the court in the geographical area in which the person
96 whose personal identifying information has been obtained and used
97 by the defendant resides.

98 Sec. 9. (NEW) (*Effective October 1, 2003*) (a) A consumer, as defined
99 in section 36a-695 of the general statutes, who believes he or she is a
100 victim of a violation of section 53a-129a of the general statutes, revision
101 of 1958, revised to January 1, 2003, or section 2, 3 or 4 of this act may
102 request a credit rating agency, as defined in section 36a-695 of the
103 general statutes, to block and not report information appearing on his
104 or her credit report, as defined in section 36a-695 of the general
105 statutes, as a result of such violation. Such consumer shall submit such
106 request, in writing, to the credit rating agency, together with proof of
107 such consumer's identity and a copy of a police report prepared
108 pursuant to section 7 of this act. Not later than thirty days after receipt

109 of such request, the credit rating agency shall block reporting any
110 information that the consumer alleges appears on his or her credit
111 report as a result of such violation so that the information cannot be
112 reported. The credit rating agency shall promptly notify the furnisher
113 of the information that a police report has been filed, that a block has
114 been requested and the effective date of the block.

115 (b) A credit rating agency may decline to block or may rescind any
116 block of consumer information if the credit rating agency believes in
117 good faith that: (1) The information was blocked due to a
118 misrepresentation of fact by the consumer relevant to the request to
119 block under this section, (2) the consumer agrees that the blocked
120 information or portions of the blocked information were blocked in
121 error, (3) the consumer knowingly obtained possession of goods,
122 services or moneys as a result of the blocked transaction or
123 transactions or the consumer should have known that he or she
124 obtained possession of goods, services or moneys as a result of the
125 blocked transaction or transactions, (4) the information was blocked
126 due to fraud in which the consumer participated or of which the
127 consumer had knowledge, and which may for purposes of this section
128 be demonstrated by circumstantial evidence, or (5) the credit rating
129 agency, in the exercise of good faith and reasonable judgment, has
130 substantial reason based on specific, verifiable facts to doubt the
131 authenticity of the consumer's report of a violation of section 53a-129a
132 of the general statutes, revision of 1958, revised to January 1, 2003, or
133 section 2, 3 or 4 of this act.

134 (c) If the credit rating agency declines to block information or
135 rescinds the block of information pursuant to subsection (b) of this
136 section, the credit rating agency shall promptly notify the consumer in
137 the same manner as consumers are notified of the reinsertion of
138 information pursuant to subsection (b) of section 36a-699b of the
139 general statutes. The prior presence of the blocked information in the
140 credit rating agency's file on the consumer is not evidence of whether
141 the consumer knew or should have known that he or she obtained
142 possession of any goods, services or moneys.

143 (d) A credit rating agency shall accept the consumer's version of the
144 disputed information and correct the disputed item when the
145 consumer submits to the credit rating agency documentation obtained
146 from the source of the item in dispute or from public records
147 confirming that the report was inaccurate or incomplete, unless the
148 credit rating agency, in the exercise of good faith and reasonable
149 judgment, has substantial reason based on specific, verifiable facts to
150 doubt the authenticity of the documentation submitted and notifies the
151 consumer in writing of that decision, explaining its reasons for
152 unblocking the information and setting forth specific, verifiable facts
153 on which the decision is based.

154 (e) A credit rating agency shall delete from a credit report inquiries
155 for credit reports based upon credit requests that the credit rating
156 agency verifies were initiated as a result of a violation of section 53a-
157 129a of the general statutes, revision of 1958, revised to January 1, 2003,
158 or section 2, 3 or 4 of this act.

159 (f) The provisions of this section do not apply to: (1) A credit rating
160 agency that acts as a reseller of credit information by assembling and
161 merging information contained in the databases of other credit rating
162 agencies, and that does not maintain a permanent database of credit
163 information from which new credit reports are produced, (2) a check
164 services or fraud prevention services company that issues reports on
165 incidents of fraud or authorizations for the purpose of approving or
166 processing negotiable instruments, electronic funds transfers or similar
167 payment methods, or (3) a demand deposit account information
168 service company that issues reports regarding account closures due to
169 fraud, substantial overdrafts, automatic teller machine abuse or similar
170 negative information regarding a consumer to inquiring banks or other
171 financial institutions for use only in reviewing a consumer request for
172 a demand deposit account at the inquiring bank or financial
173 institution.

174 Sec. 10. Section 36a-699 of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective October 1, 2003*):

176 Any person who wilfully violates any provision of sections 36a-695
177 to 36a-699, inclusive, or section 9 of this act shall be fined not more
178 than one hundred dollars for a first offense and not more than five
179 hundred dollars for a second offense, and shall be fined not more than
180 one thousand dollars or be imprisoned for not more than six months,
181 or both, for each subsequent offense.

182 Sec. 11. Section 52-571h of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective October 1, 2003*):

184 (a) Any person aggrieved by an act constituting a violation of
185 section 53a-129a of the general statutes, revision of 1958, revised to
186 January 1, 2003, or section 2, 3 or 4 of this act may bring a civil action in
187 the Superior Court for damages against the person who committed the
188 violation.

189 (b) In any civil action brought under this section in which the
190 plaintiff prevails, the court shall award the greater of one thousand
191 dollars or treble damages, together with costs and a reasonable
192 attorney's fee.

193 (c) No action under this section shall be brought but within two
194 years from the date when the violation is discovered or in the exercise
195 of reasonable care should have been discovered.

196 Sec. 12. (NEW) (*Effective October 1, 2003*) (a) For the purposes of this
197 section, "person" means any individual, firm, partnership, association,
198 corporation, limited liability company, organization or other entity,
199 but does not include the state or any political subdivision of the state,
200 or any agency thereof.

201 (b) On and after January 1, 2005, no person who accepts credit cards
202 or debit cards for the transaction of business may print on a receipt
203 provided to the cardholder (1) more than the last five digits of the
204 credit card or debit card account number, or (2) the expiration date of
205 the credit card or debit card.

206 (c) The provisions of subsection (b) of this section apply only to
207 receipts that are electronically printed and do not apply to transactions
208 in which the sole means of recording the cardholder's credit card or
209 debit card account number is by handwriting or by an imprint or copy
210 of the credit card or debit card.

211 (d) Any person who wilfully violates the provisions of subsection
212 (b) of this section shall be fined not more than one hundred dollars for
213 a first offense and not more than five hundred dollars for a second
214 offense, and shall be fined not more than one thousand dollars or be
215 imprisoned not more than six months, or both, for each subsequent
216 offense.

217 Sec. 13. (NEW) (*Effective October 1, 2003*) (a) For the purposes of this
218 section, "person" means any individual, firm, partnership, association,
219 corporation, limited liability company, organization or other entity,
220 but does not include the state or any political subdivision of the state,
221 or any agency thereof.

222 (b) Except as provided in subsection (c) of this section, on and after
223 January 1, 2005, no person shall:

224 (1) Publicly post or publicly display in any manner an individual's
225 Social Security number. For the purposes of this subdivision, "publicly
226 post" or "publicly display" means to intentionally communicate or
227 otherwise make available to the general public;

228 (2) Print an individual's Social Security number on any card
229 required for the individual to access products or services provided by
230 such person;

231 (3) Require an individual to transmit such individual's Social
232 Security number over the Internet, unless the connection is secure or
233 the Social Security number is encrypted; or

234 (4) Require an individual to use such individual's Social Security
235 number to access an Internet web site, unless a password or unique

236 personal identification number or other authentication device is also
237 required to access the Internet web site.

238 (c) The provisions of subsection (b) of this section shall apply with
239 respect to group and individual health insurance policies providing
240 coverage of the type specified in subdivisions (1), (2), (4), (6), (10) and
241 (12) of section 38a-469 of the general statutes that are delivered, issued
242 for delivery, amended, renewed or continued on and after July 1, 2005.

243 (d) This section does not prevent the collection, use or release of a
244 Social Security number as required by state or federal law or the use of
245 a Social Security number for internal verification or administrative
246 purposes.

247 (e) Any person who wilfully violates the provisions of subsection (b)
248 of this section shall be fined not more than one hundred dollars for a
249 first offense and not more than five hundred dollars for a second
250 offense, and shall be fined not more than one thousand dollars or be
251 imprisoned not more than six months, or both, for each subsequent
252 offense."

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>